

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBERT FRANKLIN STEWART, #197704)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:09CV684-ID
)	
ALABAMA DEPT. OF CORRECTIONS,)	
et al.,)	
)	
Defendants.)	

ORDER AND OPINION

On August 26, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. No. 7). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The plaintiff's claims against the Alabama Department of Corrections are DISMISSED with prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(I).
2. The Alabama Department of Corrections is DISMISSED as a defendant in this cause of action.

3. This case, with respect to the allegations set forth against the remaining defendants, is referred back to the Magistrate Judge for appropriate proceedings.

Done this the 15th day of September, 2009.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE